

III. REMARKS

Claims 7, 8, 10-14, 16-20, and 22 are pending in this application. By this Amendment, Applicants have amended claims 7, 14, 16-18, and 20. Applicants are not conceding in this application that the claims, as previously written, are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

In the currently pending Office Action, claims 14 and 16-19 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Specifically, the Office asserts that “the claim is directed toward a system which is only made up of software elements.” (Office Action, p. 2.) With regard to independent claim 14, Applicants have amended this claim herein to recite the additional features of “at least one processing unit; a memory operably associated with the at least one processing unit; and an evaluation system storable in memory and executable by the at least one processing unit, the evaluation system comprising...” (claim 14, lines 3-6). No new matter is believed to be added, as support may be found in the specification as filed at paragraphs [0024]-[0027]; FIG. 1, specifically, system 10, computer 12, central processing unit 14, memory 16, and evaluation system 28, among other features; and paragraph [0043], lines 3-6 (reciting that “a typical combination of hardware and software could be a general-purpose computer system with a computer program that, when loaded and executed, carries out the respective methods described herein.”). Applicants respectfully submit that these additional features provide improved clarity with regard to the invention's proper classification as statutory subject matter, as it clearly includes a machine or item of manufacture, to wit, a processing unit, a memory, etc.

With respect to dependent claims 16-19, Applicants submit that because the above-described features are incorporated by reference, claims 16-19 are also allowable for the above-stated reasons. Applicants further note that claims 16-18 have been amended herein merely to provide improved clarity, support for which may be found in the application as filed, at paragraph [0027].

In the Office Action, claims 7-8, 10-14, 16-20, and 22 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Vishnubhotla (US Pat. Pub. No. 2003/0212678 A1, hereinafter, “Vishnubhotla”), in view of Bloom *et al.* (US Pat. Pub. No. 2003/0212678 A1, hereinafter, “Bloom”).

With respect to independent claim 7, Applicants have amended this claim herein to recite the additional features of “selecting the set of data mining algorithms, the selecting further comprising selecting a business taxonomy; presenting a set of business problem selections based on the selected business taxonomy; [and] selecting a business problem from the set of business problem selections” (claim 7, lines 3-8 (emphasis added to indicate amendment)). No new matter is believed to be presented in this amendment, as support may be found in the specification as filed in at least paragraph [0029], lines 6-9.

In the Office Action, the Office relies on Vishnubhotla to teach the feature of “selecting the set of data mining algorithms” (Office Action, p. 3). In the cited passages, Vishnubhotla teaches “mak[ing] the analytic application domain-specific” such that “an analytic application is designed to operate on the basis of data related to a particular problem subject area,” such as e-commerce. (Vishnubhotla, [0012].) Vishnubhotla then teaches “identifying a business problem to be solved,” such as “predict[ing] sales revenue for a business enterprise from any new shopper” for an e-commerce domain. (*Id.*, [0037]-[0038].) Vishnubhotla fails to elaborate,

however, on how the business problem of sales revenue from a new shopper could be identified, or how other business problems could be identified or selected. The Vishnubhotla reference merely observes that “once the business problems that need data mining are identified, embodiments of the invention then typically are used to build an analytic application to solve these business problems.” ([0013].) Accordingly, Applicants submit that Vishnubhotla neither teaches nor suggests the feature of “presenting a set of business problem selections based on the selected business taxonomy; [and] selecting a business problem from the set of business problem selections,” as claimed herein. Because Bloom is neither relied upon, nor cures this defect in the Vishnubhotla reference, Applicants respectfully request withdrawal of the rejection of claim 7 under § 103(a).

With respect to the rejections of independent claims 14 and 20 under § 103(a), Applicants note that each of these claims has been amended analogously to, and includes features similar in scope to those already addressed above with respect to claim 7. Further, the Office relies on the same arguments and interpretations of Vishnubhotla and Bloom as discussed above with respect to claim 7. To this extent, Applicants herein incorporate the arguments presented above, and respectfully request withdrawal of the rejections of claims 14 and 20 for the above-stated reasons.

With respect to dependent claims 8, 10-13, 16-19, and 22, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claims 7, 14, and 20, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to claims 8, 10-13, 16-19, and 22.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,
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